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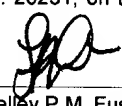
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March 31, 2003

File: 4100.000582

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Date	Shelley P.M. Fussey

Assistant Commissioner for Patents
Washington, DC 20231

RE: U.S. Patent Application Serial No. 09/592,685; Entitled "Methods of Using Latent TGF β Binding Proteins"; by Bonadio and Yin (Client Ref. UM926P2C1)

Sir:

Enclosed for filing in the above-referenced patent application are the following:

- (1) Response to Second Official Action citing *Ex Parte Quayle* dated March 14, 2003; and
- (2) A return postcard listing these materials.

No fees should be due. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4100.000582.

WILLIAMS, MORGAN & AMERSON, P.C.

Assistant Commissioner for Patents

March 31, 2003

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23720

PATENT TRADEMARK OFFICE

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Fussey'.

Shelley P.M. Fussey, Ph.D.

Reg. No. 39,458

Agent for Applicants


Encls.



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March 31, 2003
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Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeffery Bonadio and Wushan Yin

Serial No.: 09/592,685

Filed: June 12, 2000

For: METHODS OF USING LATENT TGF β
BINDING PROTEINS

Group Art Unit: 1647

Examiner: Romeo, D.

Atty. Dkt. No.: 4100.000582

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RESPONSE TO SECOND OFFICIAL ACTION
CITING *EX PARTE* QUAYLE DATED MARCH 14, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to enter the following response to the Second Official Action dated March 14, 2003 ("the second Action") and to consider the remarks therein. The response confirms the propriety of the claim for priority and thus places the application in condition for allowance. Reconsideration of the *Ex parte Quayle* Action is thus respectfully requested. The response is submitted within the shortened statutory period and is timely filed.

RESPONSE

I. Status of the Claims

Prior to the second Action, claims 40, 43-46, 52-64, 69, 70, 72, 74-76 and 78 were pending, have been examined and are allowed. Presently, no claims have been amended, canceled or added.

II. Priority

Only a single matter remains to be resolved before issue. Specifically, the second Action maintains that the present application is not entitled to the priority date of the parent application, U.S. Serial No. 08/479,722 ("the '722 application"), of which the present specification is a photocopy. Applicants respectfully traverse.

The second Action appears to acknowledge adequate support in the '722 application for claim 40 (second Action at page 2), the first independent claim filed in the present application. However, the Action takes the position that the Preliminary Amendment submitted along with the Request for Filing Continuation Application Under 37 C.F.R. § 1.53(b) adds and claims additional disclosure not present in the '722 application, such that the '722 application does not support the presently claimed methods of binding TGF- β in an animal and the modulating or targeting thereby (second Action at page 3).

In light of the second Action's reference to "modulating" and "targeting", Applicants believe the Action to be questioning the support in the '722 application for claims 53 and 54 ("modulates" the activation of TGF- β) and claims 55, 56, 57 and 58 ("targets" TGF- β to the extracellular matrix, bone matrix, connective tissues and cell surface, respectively).

As indicated in the remarks section of the Preliminary Amendment submitted on filing the present continuation, the '722 application both describes and enables the present claims and

provides particular written description support for each of the claim terms. For example, **Section V** of the Preliminary Amendment cited the '722 application at page 46, line 5 and page 58, lines 22-27 as supporting the "modulating" language claims 53 and 54 (modulates the activation of latent complexes). **Section V** of the Preliminary Amendment also cited the '722 application as supporting the "targeting" language of claims 55, 56, 57 and 58 as follows: page 46, line 1 and page 58, lines 19-22 supports claim 55 (targets TGF- β to the extracellular matrix); page 48, lines 4-5 supports claim 56 (targets TGF- β to the bone matrix); page 45, line 29 and page 58, line 18 supports claim 57 (targets TGF- β to connective tissues); and page 46, line 2 and page 58, lines 27-29 supports claim 58 (targets TGF- β to the cell surface).

As shown by the foregoing support, priority to the '722 application is properly claimed and the remaining concern in the second Action is overcome and should be withdrawn.

III. Conclusion

This is a complete response to the second Action. In conclusion, Applicants submit that, in light of the foregoing remarks, the present case is in condition for allowance and such favorable action is respectfully requested. Should Examiner Romeo have any further questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.



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PATENT TRADEMARK OFFICE

Respectfully submitted,

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Date: March 31, 2003